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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,965	12/27/2001	Steven R. Janda	8350.1722-00	1798

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EXAMINER	
RUHL, DENNIS WILLIAM	
ART UNIT	**PAPER NUMBER**
3629	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/026,965	JANDA, STEVEN R.
	Examiner	Art Unit
	Dennis Ruhl	3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *5 IDS submissions*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-4,7-10,13-15,26-28,31-33 are rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two prong test of:

1. Whether the invention is within the technological arts; and
2. Whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere idea in the abstract (i.e. abstract ideas, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e. physical sciences as opposed to social sciences for example), and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, use or advance the technological arts.

In the present case, the claims only recite an abstract idea. The claims do not recite or require the use of any technology. All of the recited steps could be done by a person (sense ID is visual, providing access is opening a door(s) to allow somebody to enter the secure area). The recited steps do not apply, involve, use, or advance the technological arts since all of the recited steps can be done with no technology at all.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 16,17,23,29,30, are rejected under 35 U.S.C. 102b as being anticipated by a prison (any state or federal prison that houses inmates).

For claims 16,29, the system claimed reads on a typical prison that houses inmates incarcerated for various crimes. The 1st secure area is the general prison itself, which has controlled access. The 2nd secure area can be considered to be various wings of the prison, individual prison cells, or even prison staff offices. The prison wings or cells all have controlled access so that only prisoners belonging in that cell or wing are allowed access. The access controller can be considered to be guards, remote controlled prison doors, video monitors, etc.. All of these cooperate to provide a system for allowing/denying access for various areas of the prison (i.e. secure areas).

For claims 17,23,30, the sensors that are for monitoring goods (which is intended use of the monitoring step and given no patentable weight) are the video monitors used in prisons.

5. Claims 16,23,29 are rejected under 35 U.S.C. 102(b) as being anticipated by "The Pentagon" in Arlington Virginia.

For claims 16,23,29, the "Pentagon" in Arlington, Virginia is a system as claimed. The 1st secure area is the pentagon structure itself. The 2nd secure areas are the sensitive areas of the pentagon (i.e. secretary of defense offices, war rooms, etc.). Access controllers (video monitors, guards, card swipers, ID devices, etc.) are used to keep unauthorized persons from entering "sensitive" areas of the pentagon.

6. Claims 8-10,24,25,31,32,34, are rejected under 35 U.S.C. 102(e) as being anticipated by Brown et al. (2002/0118111).

For claims 8,24,31,32,34, Brown discloses a method of managing rental equipment as claimed. Brown discloses sensing the ID of a customer (see paragraphs 23,25), providing access based on identify sensed (see paragraph 25), secure area 110, and sensing the ID of equipment to be removed (see paragraph 21,22,23). Also see paragraph 29. Brown discloses rental equipment as claimed. The access controller is 240. The equipment ID sensor is disclosed as the RF tags and associated hardware.

For claims 9,10,24,25,34, the comparing to a list of equipment is considered to be the "advance reservation" disclosed in paragraph 30. If one were to reserve a particular article in advance, the system would know that and would check the identity of the person removing the article to verify that it is the person who reserved the article for rent. This satisfies the claimed matching of user ID to equipment.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-7,,11-23,26-30,33, are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (2002/0118111).

For claims 1,2,7,13-18,20,21,23,26,27,29, 30,33, Brown discloses a method of rental management. See paragraph 20 where the use of the method in rentals, video stores, and even tool rentals is disclosed. The sensing of the customer ID is disclosed in paragraph 23 and 25. The selectively providing access to a 1st secure area is disclosed in paragraph 25. The secure area is 110. Brown discloses that the ID of the customer is sensed and if they are authorized to enter the 1st secure area (like an authorized video rental membership member), an access controller 240 allows access. All of the items for rent are monitored with the use of RF tags. Matching who took what video happens automatically and is recorded by a computer system. Not disclosed by Brown is a 2nd secure area that contains the item to be rented. In the embodiment where the method of Brown is used for the renting of videos (movies, etc.), the examiner takes notice that it is old and notoriously well known that video stores have a special section that houses adult videos (of pornographic or sexual nature). Access to a room of this type is obviously limited to adults only, no children. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a 2nd secure area that houses XXX videos, so that access to those videos can be limited

to those of proper age. This is more or less the duplication of 1st secure area 110, providing Brown with a 2nd secure area 110 that houses the adult videos and monitors entry into the adult video room.

For claims 3,4,28, Brown discloses in paragraph 30 that one can reserve items in advance. The comparing to a list of equipment is considered to be the "advance reservation" disclosed in paragraph 30. If one were to reserve a particular article in advance, the system would know that and would check the identity of the person removing the article to verify that it is the person who reserved the article for rent. This satisfies the claimed matching of user ID to equipment.

For claims 5,6, Brown discloses video surveillance cameras that satisfy what is claimed.

For claims 11,12, Brown discloses the use of video surveillance cameras as claimed that can record happenings in the secure area. Brown does not disclose the starting of monitoring when the ID is sensed as claimed and ending at a later time. It would have been obvious to one of ordinary skill in the art at the time the invention was made to only engage in video surveillance when a customer is present in the secure area. No need to monitor the area when nobody is there.

For claims 19,22, Brown discloses that the location of articles for rent can be monitored. See paragraph 22. Not disclosed is the use of a GPS based sensor. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a GPS based sensor so that the location of the article can be more

accurately known. Brown already discloses a system that can locate where an article is, so using GPS location technology is considered obvious.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hunt (6708879) discloses a system and method of tracking items and verifying user ID that is considered to be relevant by the examiner.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 703-308-2262. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DENNIS RUHL
PRIMARY EXAMINER